

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 3:15CR16
	)	
HEATHER ELIZABETH COFFMAN,	)	
	)	
Defendant.	)	

**Position on**  
**The Court's December 17, 2017 Order (ECF No. 54)**

The United States of America, by its representatives, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and Jessica D. Aber, Assistant United States Attorney for the Eastern District of Virginia, respectfully files this position on the Court's December 17, 2017 Order (ECF No. 54). Because of the sensitivity of the defendant's case, counsel for the defendant have consented to the filing of the Government's position in place of their own separate submission.

**Background**

The December 17, 2017 Order followed a hearing on the Government's motion to modify the terms of the defendant's supervised release, in order to add two additional special conditions. (ECF No. 52.) At that hearing, the parties provided the Court with copies of a journal found in the defendant's prison cell on March 28, 2016. The Court granted the Government's motion in part and ordered the defendant to submit to GPS and computer monitoring at Government expense. At the conclusion of the hearing, the Court invited the defendant to seek

reconsideration if new evidence became available. A status hearing is presently scheduled for January 3, 2018.

Following the hearing, counsel for the defendant advised the Government that the defendant had been interviewed three times by the Government subsequent to her criminal sentencing. The Government immediately sought to find any memoranda or information regarding these interviews and provide them to defense counsel.

**“New Information”**

The first interview occurred on or about April 4, 2017. Two employees of the Bureau of Prisons (BOP) conducted the interview with the defendant at U.S.P. Hazelton. The defendant consented to the interview. The employee who led the interview has since retired and no written memorandum of interview was finalized during her tenure. The undersigned counsel has spoken with the second BOP employee, who wrote a summary email of her recollections of the interview on December 22, 2017. That email has been provided to defense counsel. In sum, the defendant did not make any specific threats or comments that would jeopardize institutional or national security, but the employee remarked that, in her opinion, at that time the defendant was struggling with her desire to be a productive member of society upon her release and the pull she felt to continue supporting her radical ideology.

The second interview occurred on April 5, 2017. Two FBI special agents interviewed the defendant at U.S.P. Hazelton. The defendant consented to the interview. A memorandum of interview was written and the Government has provided it to counsel for the defendant. The defendant said, in sum, that the journal was a way to deal with her anger, the journal was not used to support ISIS, and that she had not written a new journal since the first journal was confiscated. She also told the interviewing agents that she had no plans of committing any

violent acts or supporting ISIS upon release, because it was not worth the trouble of incarceration and losing her family.

A third interview occurred on November 28, 2017, three days before the defendant was released from prison. Two different special agents interviewed the defendant at U.S.P. Hazelton. The defendant consented to the interview. No memorandum of interview was written—nor was the interview recorded—but counsel for the Government spoke with one of the interviewing agents and heard her recollection of the interview. In pertinent part, the defendant said that the journal was her way of describing what her mindset was when she was at prison but was not reflective of what she felt today.

### **Conclusion**

The Government submits—and the defendant agrees—that this is “new information” that the Court may consider at the January 3, 2018 Status Hearing. The parties disagree on whether this information warrants reconsideration of the modified conditions of supervised release and will argue their respective positions at the hearing.

DANA J. BOENTE  
United States Attorney

By:                     /s/                      
Jessica D. Aber  
Virginia Bar No. 72680  
Counsel for the United States  
U.S. Attorney’s Office  
919 E. Main Street, Suite 1900  
Richmond, VA 23219  
Phone: 804-819-5400  
Fax: 804-771-2316  
Email: jessica.d.aber@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (“NEF”) to all counsel of record.

By:                     /s/                      
Jessica D. Aber  
Assistant United States Attorney  
U.S. Attorney’s Office  
919 E. Main Street, Suite 1900  
Richmond, VA 23219  
Phone: 804-819-5400  
Fax: 804-771-2316  
Email: [jessica.d.aber@usdoj.gov](mailto:jessica.d.aber@usdoj.gov)